

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES HENRY DAVIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:20-cv-00058-ACA-SGC
)	
GWENDOLYN GIVENS,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Plaintiff James Henry Davis filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, alleging violations of his rights under the Constitution or laws of the United States. (Doc. 1).

The magistrate judge entered a report on June 28, 2021, recommending that the court: (1) dismiss without prejudice Mr. Davis' claims against the fictitious parties; (2) grant Defendant Gwendolyn Givens' motion for summary judgment on Mr. Davis' claims against Ms. Givens in her official capacity for money damages and dismiss those claims with prejudice; (3) grant Ms. Givens' motion for summary judgment on Mr. Davis' Eighth Amendment failure to protect claim and dismiss the claim with prejudice; (4) deny Ms. Givens' motion for summary judgment on Mr. Davis' Eighth Amendment conditions of confinement claim; and (5) deny as moot Mr. Davis' request for injunctive relief. (Doc. 22).

Although the parties were advised of their right to file specific written objections within fourteen days, the court has not received any objections.


Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** her recommendation.

Accordingly, the court:

- (1) **DISMISSES WITHOUT PREJUDICE** Mr. Davis' claims against the fictitious parties;
- (2) **GRANTS** Ms. Givens' motion for summary judgment on Mr. Davis' claims against Ms. Givens in her official capacity for money damages and on Mr. Davis' Eighth Amendment failure to protect claim against Ms. Givens;
- (3) **DENIES** as **MOOT** Mr. Davis' request for injunctive relief; and
- (4) **DENIES** Ms. Givens' motion for summary judgment on Mr. Davis' Eighth Amendment conditions of confinement claim and **REFERS** this claim to the magistrate judge for further proceedings.

The court will enter a separate partial judgment consistent with this order.

DONE and **ORDERED** this August 9, 2021.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE